United Nations S/AC.51/2017/3

Security Council

Distr.: General
31 July 2017

Original: English

Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in the Sudan

1. At its 63rd meeting, on 18 April 2017, the Working Group on Children and Armed Conflict examined the fifth report of the Secretary-General on children and armed conflict in the Sudan (S/2017/191), covering the period from 1 March 2011 to 31 December 2016, which was introduced by a representative of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict. The Permanent Representative of the Sudan to the United Nations also addressed the Working Group. His statement is set out in the annex to the present conclusions.

2. The members of the Working Group welcomed the report of the Secretary-General, submitted in accordance with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015), and took note of the analysis and recommendations contained therein.

3. The members of the Working Group welcomed the steps taken by the Government of the Sudan to strengthen the protection of children affected by armed conflict, in particular through the strengthening of the national legal framework and the signing of an action plan for the protection of children from violations, in March 2016, and encouraged the Government to continue those efforts and to expedite the implementation of the action plan. The members of the Working Group also acknowledged progress in the dialogue with armed groups, including the signing of action plans and other commitments pertaining to the situation of children affected by armed conflict in the Sudan. The members strongly condemned all violations and abuses committed against children in armed conflict in the Sudan, in particular killing and maiming and rape and other forms of sexual violence.

4. At its 64th meeting, on 2 May, the Working Group was briefed via videoconference by the Co-Chairs of the Sudan country task force on monitoring and reporting on the situation of children and armed conflict in the Sudan. During the discussions, members of the Working Group expressed their appreciation for the work of the task force.

5. Further to the meeting, and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015), the Working Group agreed to the direct action set out below.

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Public statement by the Chair of the Working Group

6. The Working Group agreed to address a message, through a public statement by its Chair, to all the parties to the armed conflict in the Sudan:

(a) Strongly condemning all violations and abuses committed against children in the Sudan, and urging all parties to the armed conflict to immediately end and prevent all violations of applicable international law involving the recruitment and use of children, abduction, killing and maiming, rape and other forms of sexual violence, attacks on schools and hospitals and denial of humanitarian access and to comply with their obligations under international law;

(b) Calling upon the parties to further implement all previous conclusions of the Working Group with regard to the Sudan (S/AC.51/2007/5, S/AC.51/2008/7, S/AC.51/2009/5 and S/AC.51/2012/1);

(c) Stressing the importance of finding a political solution to the conflict in Darfur and Southern Kordofan and Blue Nile States in order to improve the current situation of children affected by armed conflict, and in that regard noting the importance of the work of the African Union High-level Implementation Panel, the accelerated implementation of the Doha Document for Peace in Darfur and the stated commitment of the Government of the Sudan to an inclusive national dialogue building on the Panel's ongoing peace efforts, welcoming the decision of the African Union Peace and Security Council to extend the Panel's mandate for another year, also welcoming the Panel's Roadmap Agreement, signed by both the Government and the opposition, and urging the signatory groups to implement it by working towards a negotiated permanent cessation of hostilities, to facilitate humanitarian access, and an open and inclusive political dialogue;

(d) Welcoming the efforts made by the Government of the Sudan since the last conclusions of the Working Group, including the signature of an action plan for the protection of children from violations, in March 2016, and calling upon the Government to swiftly and fully implement the action plan, including through releasing immediately all children from their ranks, the issuance of command orders by all security forces involved in the action plan, prohibiting and sanctioning recruitment and use of children and other violations and abuses against children, allowing access to all locations where the government forces are present for the implementation of the action plan and facilitating the work of the country task force on monitoring and reporting regarding dialogue with armed groups operating in the Sudan on action plan development and implementation to end and prevent the recruitment and use of children, in accordance with relevant provisions of the action plan;

(e) Encouraging the Government to continue its efforts to prevent the recruitment and use of children in its armed and security forces, including through the establishment of strong age verification mechanisms in the recruitment process, and urging the Government to consider strengthening birth registration in the conflict-affected states as a priority to prevent child recruitment and use;

(f) Stressing the importance of accountability for all violations and abuses against children in armed conflict, and calling upon the Government to continue its efforts to address impunity by ensuring that all perpetrators of violations and abuses are swiftly brought to justice and held accountable, including through timely and systematic investigation and prosecution, and to ensure that all victims have access to justice and to the medical and support services that they need;

(g) Welcoming the release by the Government of 21 children detained by the National Intelligence and Security Service for association with armed groups, their

handover to child protection actors and the reunification of all of them with their families, and encouraging the Government, with the support of the United Nations, to continue to support the reintegration of those children;

(h) Strongly urging all armed groups to immediately release, without preconditions, all children from their ranks and end and prevent further recruitment and use of children, including the rerecruitment of children who have been released;

(i) Expressing concern about reports of cross-border recruitment and use of children by Sudanese and South Sudanese armed groups;

(j) Expressing deep concern about the high number of children killed or maimed as a direct or indirect result of hostilities between parties to the armed conflict and of incidents of indiscriminate attacks against the civilian population in Darfur and the Two Areas, including those involving aerial bombardment, and calling upon all parties to the armed conflict to respect their obligations under international humanitarian law, in particular the principles of distinction and proportionality;

(k) Expressing grave concern about the high number of cases of rape and other forms of sexual violence perpetrated against children in armed conflict, particularly in Darfur, while welcoming measures taken by the Government to bring perpetrators to justice and calling upon the Government to continue its efforts to address impunity and take relevant measures, urging all parties to the armed conflict to take immediate and specific measures to put an end to and prevent the perpetration of rape and other forms of sexual violence against children by members of their respective forces and groups, and stressing the importance of accountability for those who commit sexual violence;

(l) Calling upon all parties to the armed conflict to comply with applicable international law and to respect the civilian character of schools and hospitals, including their personnel, and to end and prevent attacks or threats of attacks against those institutions and their personnel, as well as the military use of schools and hospitals, in violation of applicable international law;

(m) Urging all parties to the armed conflict to cease the abduction of children and all violations and abuses committed against abducted children and to immediately release from captivity abducted children and hand them over to relevant civilian child protection actors;

(n) While acknowledging improvement in humanitarian access in Darfur, expressing serious concern at the ongoing humanitarian situation in Darfur and at the threats to and attacks on humanitarian personnel and facilities and significant access challenges, and expressing serious concern that humanitarian access continued to be hampered in areas of Darfur owing to ongoing hostilities as well as restrictions and bureaucratic impediments imposed by the Government, often on security grounds, in particular access to areas not under the control of the Government, such as areas of Jebel Marra, remained extremely limited, causing a significant negative impact on children in need of assistance;

(o) Expressing serious concern that access by the United Nations and other humanitarian actors to vulnerable populations, including children, in areas in Southern Kordofan and Blue Nile States controlled by the Sudan People's Liberation Movement/Army-North (SPLM/A-N) since the conflict broke out in 2011 and adjacent areas continues to be restricted and that children living in conflict-affected areas are deprived of basic humanitarian assistance;

(p) Urging all parties to the conflict, including the Government, the Sudan Liberation Army/Abdul Wahid (SLA/AW) and SPLM/A-N, to immediately allow

and facilitate full, safe and unhindered humanitarian access to children, consistent with the United Nations guiding principles of humanitarian assistance, including humanity, impartiality, neutrality and independence, and the relevant provisions of international law and international humanitarian law, and uphold and respect the humanitarian principles and the work of all United Nations humanitarian agencies and other humanitarian actors, without distinction;

(q) Calling for the continued engagement of the Justice and Equality Movement and the Sudan Liberation Army/Minni Minawi (SLA/MM) with the United Nations to end and prevent violations and abuses against children, and urging them to abide by their commitments and to take all measures necessary to fully implement their respective action plans;

(r) Welcoming the signature of an action plan by SPLM/A-N in November 2016 to end and prevent child recruitment and use, as well as its commitment to facilitating access by the United Nations to areas under its control, urging SPLM/A-N to swiftly and fully implement the action plan and commitment to facilitate access of the United Nations to areas under its control, and urging it to abide by its commitment to facilitate access for the United Nations for the purpose of monitoring progress and delivering humanitarian assistance to children, including vaccinations;

(s) Urging SLA/AW to engage with the United Nations to end and prevent violations and abuses against children, to abide by its commitments and facilitate access to the United Nations to areas under its control, encouraging it to continue the dialogue with the United Nations and adopt an action plan to end child recruitment and use, and urging it to sign the Roadmap Agreement proposed by the African Union High-level Implementation Panel;

(t) Recalling that the Security Council, by its resolution 2340 (2017), recalled the obligations to comply with the arms embargo in accordance with resolution 1591 (2005) and to implement the travel ban and asset freeze imposed under that resolution, which apply to individuals and entities designated pursuant to the listing criteria set out in paragraph 3 (c) of resolution 1591 (2005);

(u) Expressing the readiness of the Working Group to communicate to the Security Council and to the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan pertinent information with a view to assisting them in the imposition of sanctions on perpetrators.

Recommendations to the Security Council

7. The Working Group agreed to recommend that the President of the Security Council transmit a letter addressed to the Government of the Sudan:

(a) Stressing the primary role of the Government in providing protection and relief to all children affected by armed conflict in the Sudan, and recognizing the importance of strengthening national capacities in that regard;

(b) Welcoming the efforts made by the Government of the Sudan since the last conclusions of the Working Group, including the signature of an action plan for the protection of children from violations, in March 2016, and calling upon the Government to swiftly and fully implement the action plan, including through releasing immediately all children from their ranks, the issuance of command orders by all security forces involved in the action plan, prohibiting and sanctioning recruitment and use of children and other violations and abuses against children, allowing access to all locations where the government forces are present for the implementation of the action plan and facilitating the work of the country task force on monitoring and reporting regarding dialogue with armed groups operating in the

Sudan on action plan development and implementation to end and prevent the recruitment and use of children, in accordance with relevant provisions of the action plan;

(c) Encouraging the Government to continue its efforts to prevent the recruitment and use of children in its armed and security forces, including through the establishment of strong age verification mechanisms in the recruitment process, and urging the Government to consider strengthening birth registration in the conflict-affected states as a priority to prevent child recruitment and use;

(d) Welcoming its efforts to strengthen the legislative framework for the protection of children, including by adopting a law raising the age of recruitment into the Popular Defence Forces to 18 years and establishing 18 years as the minimum age for entry into the national reserve service and the national service, in addition to the criminalization of the recruitment into and use of children in the Sudanese Armed Forces and the stipulation that children associated with armed forces and groups should be treated primarily as victims, in line with the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the Paris Principles), which have been endorsed by the Sudan, as well as the criminalization of offences relating to sexual violence;

(e) Welcoming the establishment of a specific unit in the National Human Rights Commission to support court hearings related to children and the subsequent opening of an office in North Darfur to cover all five states of Darfur;

(f) Welcoming the decree of January 2012 to create a national coordination mechanism for family and child protection units of the national police, and noting with appreciation that the units have been instrumental in investigations of violations and abuses committed against children, in particular sexual violence, and have provided legal and psychosocial support to underage victims and their families;

(g) Stressing the importance of accountability for all violations and abuses against children in armed conflict, and calling upon the Government to continue its efforts to address impunity by ensuring that all perpetrators of violations and abuses are swiftly brought to justice and held accountable, including through timely and systematic investigation and prosecution, and to ensure that all victims have access to justice and to the medical and support services that they need;

(h) Welcoming the release by the Government of 21 children detained by the National Intelligence and Security Service for association with armed groups, their handover to child protection actors and the reunification of all of them with their families, and encouraging the Government, with the support of the United Nations, to continue to support the reintegration of those children;

(i) Encouraging the Government to focus on sustainable reintegration opportunities for children affected by armed conflict, including by raising the awareness of communities to avoid stigmatization of these children, while taking into account the specific needs of boys and girls, as well as of children with disabilities and other particularly vulnerable children, among them orphans and unaccompanied children;

(j) Expressing concern about the reported military use of schools by government forces in violation of their obligations under international law, stressing the importance of access to education and health care for children in the Sudan, commending the Government for its endorsement of the Safe Schools Declaration, and calling upon it to ensure that schools and related personnel are protected;

(k) Inviting the Government to keep the Working Group informed of its efforts to implement the recommendations of the Working Group and the Secretary-General, as appropriate.

8. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Secretary-General:

(a) Requesting the Secretary-General to continue to ensure the effectiveness of the monitoring and reporting mechanism in the Sudan and of the child protection component of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), including by allocating sufficient dedicated child protection capacity to the component and to the United Nations Children's Fund to, inter alia, monitor and report on violations and abuses committed against children, mainstream child protection within the mission, train the mission personnel in child protection and engage in dialogue with parties to the armed conflict on action plans and their implementation;

(b) Also requesting the Secretary-General to ensure that the country task force on monitoring and reporting continues its work and advocacy for the release and reintegration of children associated with armed groups and armed forces, to support the implementation of the action plans and commitments and to continue engagement with SLA/AW to develop an action plan to end and prevent the recruitment and use of children, in line with Security Council resolutions 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015).

9. The Working Group agreed to recommend the following to the Security Council:

(a) Recommending that the Security Council continue to take into due consideration the situation of children and armed conflict in the Sudan, in particular when reviewing the mandates of UNAMID and the United Nations Interim Security Force for Abyei and their activities;

(b) Encouraging the Security Council to ensure the continuation of and support for the implementation of a child protection mandate for UNAMID, especially with regard to monitoring, reporting, training and mainstreaming, as well as dialogue with parties to the armed conflict on action plans and support in their implementation.

10. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan:

(a) Recalling paragraph 7 (b) of resolution 1882 (2009), by which the Security Council requested enhanced communication between the Working Group and relevant Security Council sanctions committees, including through the exchange of pertinent information on violations and abuses committed against children in armed conflict;

(b) Encouraging the continued sharing of relevant information by the Special Representative of the Secretary-General for Children and Armed Conflict with the Committee and the Working Group;

(c) Encouraging the Committee to continue to consider the designation for sanctions of individuals and entities, in accordance with the rules and guidelines of the Committee.

Direct action by the Working Group

11. The Working Group agreed that the Chair would send letters addressed to the World Bank and other donors:

(a) Stressing that the best way to protect children is through peace, and urging the World Bank and other donors to continue to provide political and financial support to humanitarian and peacebuilding initiatives;

(b) Calling upon the World Bank and other donors to prioritize support for the timely and effective implementation of all action plans, including through the provision of financial resources to agencies, funds and programmes of the United Nations system;

(c) Calling upon the World Bank and other donors to support the strengthening of birth and late birth registration as a means of preventing the recruitment and use of children in violation of applicable international law in the Sudan;

(d) Calling upon the World Bank and other donors to provide support to programmes and initiatives aimed at protecting children affected by the armed conflict in the Sudan, including rehabilitation and reintegration, strengthening of the national legal and judicial mechanisms, in particular with regard to addressing impunity for violations and abuses against children in armed conflict, ensuring timely and appropriate care and support for child victims of rape and other forms of sexual violence and bolstering the development of the national education and health systems, as well as finding durable solutions for internally displaced children;

(e) Inviting the World Bank and other donors to keep the Working Group informed about their funding and assistance efforts, as appropriate.

Annex

[Original: Arabic]

Statement by the Permanent Representative of the Sudan to the United Nations on the report of the Secretary-General on children and armed conflict in the Sudan (S/2017/191), made at the sixty-third formal meeting of the Working Group on Children and Armed Conflict

At the outset, my country's delegation would like to thank the Security Council for convening this important meeting to discuss the report of the Secretary-General on children and armed conflict in the Sudan (S/2017/191) of 6 March 2017, which covers the period from 2011 to 2016. My delegation also reaffirms its commitment to promoting and protecting children's rights, especially children in conflict areas.

As mentioned above, this report covers a lengthy five-year period, and therefore differs completely from annual reports, and, indeed, reports that are submitted multiple times during the year.

The protection of Sudanese children from the repercussions of the internal conflict in Darfur and in limited parts of other regions can be divided into two periods. During the first period, violations were committed by armed movements or illegal movements; during the second period, there was a continuous and coordinated abatement of the conflict and a corresponding decrease in violations after implementation began of the Doha Peace Agreement, which was concluded in July 2011. Tijani Seissi, a well-known sponsor of that Agreement, and the former head of the Transitional Authority for Darfur and one of the most prominent nationalist and political leaders in Darfur, said that 75 per cent of the Agreement had been implemented.

With respect to the second period, we are pleased by the increasing consensus among the international community, especially within the Security Council, that the signing on 27 March 2016 of the action plan for the protection of children in conflict has paved the way for the removal of the Sudan from the list of countries where children's rights are violated in conflict, as that conflict is now ending.

We also welcome the recognition that we have received from the Special Representative of the Secretary-General for Children and Armed Conflict, Leila Zerrougui, and the Executive Director of the United Nations Children's Fund (UNICEF), Anthony Lake, and others, on the decisive measures that the Sudan has taken in full cooperation and coordination with the United Nations and its specialized agencies.

We have circulated an extensive and complete memorandum in English containing our notes on some of the facts included in the report of the Secretary-General that was presented to the Security Council. Here I will briefly highlight some of its most important points.

First, attached to that memorandum is a memorandum that we had circulated more than four months ago on the issue of access to conflict areas in Darfur. It leaves no doubt that this issue, which is touched on in the reports, was resolved definitively, with the exception of inevitable problems surrounding the receipt of material and technical assistance from peace partners and from the United Nations and its agencies. Such assistance includes the paving of certain roads in Jebel Marra and Northern Darfur, the lack of which makes it impossible to bring about

socioeconomic development and difficult to reach affected populations and people in need. I call upon you — rather, I implore you — to carefully study this memorandum on the issue of access, so that you can fully grasp the facts.

Second, our armed forces, just like the national government forces of any other State in the world, have fought to restore law and order after armed groups used their weapons to take lives for the sake of political slogans and objectives. We do not need to state how international law and international practices view such groups, which are known as illegal groups.

Accordingly, military operations, such as Operation Decisive Summer in 2013 as well as certain military victories, have broken the determination of these armed groups, a development that occurred in the context of a negotiated peaceful solution. We must also not forget the repeated calls that the Security Council made in its relevant resolutions adopted under Chapter VII of the Charter of the United Nations for the armed movements, all of which recruit children and push them into combat, to negotiate without further delay or preconditions.

Third, according to information available to UNICEF, the Sudanese Government has done what is required of it at the national and international levels to protect children in conflict areas. You can only imagine the shameful manner in which the armed groups impeded protection efforts in the period covered by the report.

Fourth, the United Nations now knows that regular government forces in the Sudan have never, at any level, recruited children. This is thanks to those forces' laws and traditions dating back approximately 100 years. Sudanese army forces fought in the Second World War, and, decades earlier, fought in a number of parts of Africa outside the Sudan as well as in the Middle East, operating under a set of strict military traditions and laws. During the period covered by the report of the Secretary-General, the use and recruitment of children by illegal armed movements presented challenges. We faced those challenges because the Sudanese Government, according to the Charter and international law, bears primary responsibility for preserving peace, law and order within its national borders.

We see Security Council resolution 2340 (2017) as a watershed between the previous state of conflict and the current state of peace in Darfur. This could not have occurred without the practical emphasis that was placed on protecting children in conflict areas through such measures as the March 2016 national plan to prevent the recruitment and use of children.

In this regard, I should like to highlight the reports of the African Union-United Nations Hybrid Operation in Darfur. There have been many such reports over the past three or four years, and they have attested to the continuous and steady improvement in security and political conditions in Darfur. I should also like to draw attention to the report that the African Union-United Nations Joint Special Representative for Darfur presented to the Council on 4 April.